

REMARKS

Claims 1-8 and 10-13 stand rejected under 35 USC §102(e) over Palasis ('103). Palasis appears to Applicant to be entirely unrelated to the instant invention. Palasis resides in a fluid delivery system for delivering and injecting fluid into heart tissue, or other organ tissues. Palasis does not disclose any type of "marker," nor does Palasis teach or suggest marking skin or surgical film. Accordingly, *prima facie* anticipation has not been established.

With regard to claims 9 and 14, the Examiner argues that it would be obvious to provide Palasis with a powered substance and mark a surgical film "since it was known in the art that powder is minimally invasive, and that marked surgical film is minimally invasive and easily removed..." Applicant does not quite understand the grounds for rejection in that "minimally invasive" generally refers to a procedure and not substances. In any case, Palasis is clearly directed to invasive procedures unrelated to marking skin, films, erasure, and so forth.

Based upon the forgoing amendments and comments, Applicant believes the pending claims of the subject application are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Dated: August 7, 2007

Respectfully submitted,

By 

John G. Posa

Registration No. 37,424

GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.

2701 Troy Center Drive, Suite 330

Post Office Box 7021

Troy, Michigan 48007-7021

(734) 913-9300 (734) 913-6007 (Fax)

Email: jposa@patlaw.com